



*Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary*

Legislation 2012 – 2/14/2012

HB 35 – Private Property Rights – Regulatory Infringement - Compensation (Crossfile – SB 819) (Hearing 2/23/12, 1:00pm) Environmental Matters

If the application of a regulations adopted by Department of the Environment, DNR, or the Department of Planning infringes on a private property right, this bill gives an owner of private property a cause of action in certain circumstances against the agency. The bill provides for a specific statute of limitations, indicates the venue in which the action should be filed, and limits the amount of damages that may be awarded.

HB 269 – Natural Resources - Boating - Disclosure of Personal Information (Hearing 2/15/12, 1:00pm) Environmental Matters

The bill narrows the prohibition against and exception for the disclosure of certain records held by DNR. The prohibition and exception apply only to personal information about the owner of the registered vessel. The bill clarifies the application of certain exceptions.

HB 393 - Natural Resources - Shark or Elasmobranch Fins - Prohibition on Possession or Distribution (Crossfile – SB 465) (Hearing 2/22/12, 1:00 pm) Environmental Matters

Prohibiting a person from possessing, selling, offering for sale, trading, or distributing a fin or tail of a shark or other elasmobranch; establishing specified civil penalties for violations of the Act; requiring the Department of Natural Resources to adopt regulations to implement the Act; and defining "shark fin".

HB 464 – Agriculture - Total Maximum Daily Loads – Regulations (Crossfile – SB 330) (Hearing 2/23/12, 1:00pm) Education Health and Environmental Affairs

HB 464 prohibits the Department of Agriculture, Department of the Environment, and DNR from adopting regulations that intend to help MD meet the agricultural sector requirements of the TMDLs for the Chesapeake Bay unless certain states (i.e., New York, Pennsylvania, Virginia, West Virginia, and District of Columbia) achieve or exceed the percentage reductions of nitrogen and phosphorous that the State has achieved from 2009 levels.

HB 478 - Natural Resources - Removal of Abandoned Fishing Nets (Crossfile – SB 385) (Hearing 2/22/12, 1:00pm) Environmental Matters

Requiring the Department of Natural Resources to remove from the waters of the State and dispose of any abandoned fishing net found by or reported to the Department within 1 day after the net is found or reported.

HB 593 - Natural Resources - Public Shellfish Fishery Area – Standards (Crossfile – SB 443)

(Hearing 2/29/12, 1:00pm) Education Health and Environmental Affairs

Requiring the Department of Natural Resources to establish areas in the Chesapeake Bay as part of the public shellfish fishery area if the density of oysters is at least one oyster that measures 1 inch or more from hinge to bill per acre.

HB 911 – Natural Resources – Commercial Fishing – Crabs and Striped Bass (First Reader

2/10/12) Environmental Matters

Prohibits a tidal fish licensee who is authorized to fish for striped bass and catch crabs for commercial purposes from fishing for striped bass using a hook and line and catching crabs in any manner at the same time.

HB 915 - Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption

(Crossfile – SB 706) (First Reader 2/10/12) Judicial Proceedings

House Bill 915 adds commercial fishing and seafood operations to an exemption list relating to nuisance complaints and lawsuits. The bill does not have a fiscal or operational impact on the Department of Natural Resources because issues pertaining to nuisance properties are not dealt with by the agency.

HB 1163 – Environment – Penalty for Sewage Overflow – Establishment and Distribution

(Hearing 3/7/12, 1:00pm) Environmental Matters

Requires the Department of the Environment to impose civil penalty on persons for sewage overflow or bypass that results in the discharge of raw or diluted sewage into the waters of the State. The bill requires that the Department of Environment distributes certain proceeds from the civil penalties to the Fisheries Research and Development Fund to be used for oyster restoration purposes.

HB 1173 - Natural Resources - Recreational and Commercial Fisheries - Funding and Use of Funds (Hearing 3/7/12, 1:00pm) Environmental Matters

Requires the Department to equitably allocate general funds between commercial and recreational fisheries. The bill requires money obtained from commercial fees be used to manage only commercial fisheries and money obtained from recreational fees be used to manage only the recreational fisheries.

The bill requires that by July 1, 2013 the Department shall establish surcharges for clams, oysters, crabs, and striped bass commercial fisheries that covers at least 90% of the operating costs of those fisheries. If that requirement is not met, then the fishery season shall be closed or modified.

SB 101 – Department of Natural Resources – Tracking Device on Vessel – Prohibition Without Court Order (Hearing 1/31/12, 1:30pm) Education, Health, and Environmental Affairs & Judicial Proceedings

SB 101 prohibits the Secretary of DNR or a DNR police officer from placing or installing a tracking device on a vessel without first obtaining a specified court order. It additionally establishes the manner in which to obtain such court orders.

SB 127 – Natural Resources – Marine Gathering Permit – Establishment

(Hearing 1/31/12, 1:30pm) Education, Health, and Environmental Affairs

SB 127 requires that persons wishing to sponsor or hold a marine gathering obtain a permit from DNR and establishes the timeframe and manner in which to obtain a permit. The bill requires DNR to adopt regulations governing marine gathering permits. This bill further requires that before issuing a permit DNR notifies the local law enforcement unit of the county in which the gathering will occur. Penalties for violations of the section are detailed.

SB 237 – Maryland Offshore Wind Energy Act of 2012 (Crossfile HB 441) (Hearing 2/14/12 at 1pm) Finance

The bill alters Maryland renewable energy portfolio standard to include a specified amount of energy from offshore wind energy, enumerates requirements for those applying for offshore wind projects, and details requirements and authorizations of the Public Service Commission with regards to offshore wind. The bill prohibits certain activities within the Beach Erosion Control District and provides for certain exceptions to this prohibition.

SB 318 – Natural Resources Police Force - Number of Officers (Hearing 2/21/12, 1:00pm)

Education Health and Environmental Affairs

SB 318 states the intent of the General Assembly that the Natural Resources Police Force employ at least 435 officers by fiscal year 2022 and authorizes the Police Force to increase the number of cadets and recruits in the Police Academy until the size of the force is sufficient to meet the mission of the Department.

SB 330 – Agriculture - Total Maximum Daily Loads – Regulations (Crossfile – HB 464)

(Hearing 2/21/12, 1:00pm) Education Health and Environmental Affairs

SB 330 prohibits the Department of Agriculture, Department of the Environment, and DNR from adopting regulations that intend to help MD meet the agricultural sector requirements of the TMDLs for the Chesapeake Bay unless certain states (i.e., New York, Pennsylvania, Virginia, West Virginia, and District of Columbia) achieve or exceed the percentage reductions of nitrogen and phosphorous that the State has achieved from 2009 levels.

SB 385 - Natural Resources - Removal of Abandoned Fishing Nets (Crossfile – HB 478)

(Hearing 2/21/12, 1:00pm) Education Health and Environmental Affairs

Requiring the Department of Natural Resources to remove from the waters of the State and dispose of any abandoned fishing net found by or reported to the Department within 1 day after the net is found or reported.

SB 443 - Natural Resources - Public Shellfish Fishery Area – Standards (Crossfile – HB 593)

(Hearing 2/28/12, 1:00pm) Education Health and Environmental Affairs

Requiring the Department of Natural Resources to establish areas in the Chesapeake Bay as part of the public shellfish fishery area if the density of oysters is at least one oyster that measures 1 inch or more from hinge to bill per acre.

SB 465 - Natural Resources - Shark or Elasmobranch Fins - Prohibition on Possession or Distribution (Crossfile – HB 393) (Hearing 2/28/12, 1:00pm) Environmental Matters

Prohibiting a person from possessing, selling, offering for sale, trading, or distributing a fin or tail of a shark or other elasmobranch; establishing specified civil penalties for violations of the Act; requiring the Department of Natural Resources to adopt regulations to implement the Act; and defining "shark fin".

SB 706 - Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption (Crossfile – HB 915) (Hearing 2/28/12, 1:00pm) Judicial Proceedings

Senate Bill 706 adds commercial fishing and seafood operations to an exemption list relating to nuisance complaints and lawsuits. The bill does not have a fiscal or operational impact on the Department of Natural Resources because issues pertaining to nuisance properties are not dealt with by the agency.

SB 819 – Private Property Rights – Regulatory Infringement - Compensation (Crossfile – HB 35) (Hearing 2/28/12 at 1:00pm) Environmental Matters

If the application of a regulations adopted by Department of the Environment, DNR, or the Department of Planning infringes on a private property right, this bill gives an owner of private property a cause of action in certain circumstances against the agency. The bill provides for a specific statute of limitations, indicates the venue in which the action should be filed, and limits the amount of damages that may be awarded.